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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,577	09/27/2001	Ryoichiro Uehara	05711.0122	9686

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EXAMINER

BRITTAIN, JAMES R

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 11/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,577

Applicant(s)

UEHARA ET AL.

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 4, and 7-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "a front surface of the front surface" (claim 1, line 5) is unclear in context and the term lacks antecedent basis. The remaining claims are indefinite because they depend from an indefinite claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krock (US 3600917) in view of either one of Feng (US 4679282) or Krauss (US 5590444).

Krock (figures 1-6) teaches buckle structure acting as a key holder including a female body 10 with a flat housing and a concave portion 42 with flanking straight portions that act as butting portions. These butting portions mate with the complementary convex portion 19 with flanking straight portions on the male body 11

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that has flexible legs 16 for insertion and engagement with the female body 10. The difference is that the butting portions aren't trapezoidal. However, Feng (figures 1, 2) suggests the use of a trapezoidal butting guide 206 on the male body fitting into a cooperating recess 301 on a major face of the opening of the female body and Krauss (figures 5-9) teaches the use of a trapezoidal butting guide 132, 134, 108 on the male body fitting into a cooperating recess 142, 144, 146 on a minor face of the opening of the female body so as to provide a geometry well known in buckles to provide stable interengagement between the male and female bodies. It would have been obvious to modify the buckle of Krock so that the butting portions are trapezoidal in view of either one of Feng (figures 1, 2) suggesting the use of a trapezoidal butting guide 206 on the male body fitting into a cooperating recess 301 on a major face of the opening of the female body or Krauss (figures 5-9) teaching the use of a trapezoidal butting guide 132, 134, 108 on the male body fitting into a cooperating recess 142, 144, 146 on a minor face of the opening of the female body so as to provide a geometry well known in buckles to provide stable interengagement between the male and female bodies.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krock (US 3600917) in view of either one of Feng (US 4679282) or Krauss (US 5590444) as applied to claim 1 above, and further in view of Isenmann (US 3979934).

Further modification of the fastener of Krock so that the concave section is upon the male body and the convex section is upon the female body would have been obvious in view of Isenmann (figures 1-7) teaching buckle structure acting as a key holder including a female body 10 with a flat housing and a convex portion with flanking

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straight portions that act as butting portions. These butting portions mate with the complementary concave portion with flanking straight portions on the male body 12 that has flexible legs 36 for insertion and engagement with the female body 10. This teaches that it is well known in this field of endeavor to reverse the keyed portions between the male and female parts.

Allowable Subject Matter

Claims 9-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Krock (figures 1-6) teaches buckle structure acting as a key holder including a female body 10 with a flat housing and a concave portion 42 with flanking straight portions that act as butting portions. These butting portions mate with the complementary convex portion 19 with flanking straight portions on the male body 11 that has flexible legs 16 for insertion and engagement with the female body 10. While Uehara (FR 2783679) (figures 2, 5) suggests the convex portion 10 extending to the strap aperture so as to prevent the strap from loosening there is no teaching that the convex portion providing any abutting engagement with a complementary concave portion on the male member. Therefore, it would not have been obvious to modify the subject matter of Krock by the teachings of Uehara.

Response to Arguments

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Applicant's arguments filed August 23, 2002 have been fully considered but they are not persuasive. Applicant argues that Krock fails to disclose "butting portions including straight portions and a concave portion or a convex portion, which are formed on at least a front surface of the front surface, a rear surface, and side faces of the female body and the male body when the female body engages with the male body" (Remarks, page 5, ¶1). The argument is not persuasive because Krock (figures 1-6) teaches buckle structure acting as a key holder including a female body 10 with a flat housing and a concave portion 42 with flanking straight portions that act as butting portions. These butting portions mate with the complementary convex portion 19 with flanking straight portions on the male body 11 that has flexible legs 16 for insertion and engagement with the female body 10.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

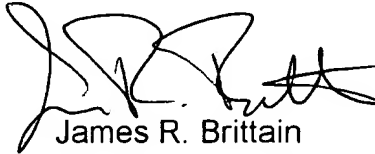
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



James R. Brittain
Primary Examiner
Art Unit 3677

JRB
October 31, 2002